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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/502,280	05/11/2005	Andreas Myka	617-011873-us	3300				
2512 PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824	7590 08/20/2007		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">LIN, WEN TAI</td></tr></table>		EXAMINER		LIN, WEN TAI	
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LIN, WEN TAI								
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/502,280

Applicant(s)

MYKA ET AL.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-21 and 24 is/are rejected.
- 7) ☒ Claim(s) 10-11 and 22-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-24 are presented for examination.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-9, 12-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durrett [U.S. Pat. No. 5964830] in view of Official Notice .
4. As to claim 1, Durrett teaches the invention substantially as claimed including:  
Aa system for providing personalized services for mobile users, the system comprising:  
a plurality of mobile terminals, each mobile terminal being provided with means for acquiring personal content [e.g., a fingerprint scanner (13A Fig. 4); col.2 lines 12-19];  
storage means in the mobile terminal, the storage means being adapted to store at least a first part of the personal content acquired [col.5 lines 3-6 and 45-51; note that inherently the device must provide at least temporary memory for storing the scanned data];

at least one remote data repository connected to the telecommunications system for storing at least a second part of the personal content acquired by the plurality of mobile terminals, whereby at least one of the repositories is assigned for the use of each mobile terminal [col.5 lines 45-51; i.e., for authentication purpose another scanned fingerprint sample must have been stored at the access provider];

means adapted to transfer a selected part of the personal content between the storage means and the at least one remote data repository through said telecommunications system, the means including predetermined criteria the fulfillment of which initiates said transfer [note that there must be an inherent process determining that the fingerprint scanner has finished acquisition of the fingerprint and initiate the transfer (e.g., by releasing or pressing a key or button), otherwise the system would stuck at sensing the fingerprint];

means for extracting data from said at least a first part of the personal content, association means for associating said extracted data with said at least a second part of the personal content [col.2 lines 50-54; col.5 lines 3-6; i.e., for purpose of identification, the extracted first part of the fingerprint is compared to the second part, which is a pre-stored at the remote depositor]; and

service provision means responsive to said association means, the service provision means being adapted to generate and/or provide a personalized service using said extracted data associated with said at least a second part of the personal content [col.5 lines 45-51].

Durrett does not specifically teach that the portable device uses wireless communication with a telecommunications system.

However, Official Notice is taken that portable device equipped with wireless communication capability is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to also provide the portable device with such capability because wireless communication would enhance the device's portability/mobility.

5. As to claim 2, Durrett teaches that the system further comprising:  
selection means for selecting data to be retrieved from an external data storage,  
the selection being made at least partially on the basis of said extracted data;  
means for receiving said selected data;  
and association means adapted to associate said received data with the  
personal content stored in the data repository, wherein the service provision means are  
adapted to utilize said received data for generating and/or providing said personal  
service [col.2 lines 40-54].

6. As to claim 3, Durrett teaches that the system further comprising:  
communication means adapted to retrieve at least one stored object and/or item  
of data extracted from the remote data repository;

and a server including application software adapted to perform an action as a result of which information is generated, the action to utilize the retrieved object and/or said data extracted [col.2 lines 50-54].

7. As to claim 4, Durrett teaches that the system further comprising means for storing said extracted information in said remote data repository[note that this is an inherent feature because in the process of matching the keys (which is derived from the extracted fingerprint data) to those used to record the virtual disk information, the extracted fingerprint data must have been (temporarily) stored locally at the server].

8. As to claim 5, Durrett does not specifically teach that the system further comprising means for generating charging information on the basis of the action performed.

However, Official Notice is taken that charging-by-hours is one of the popular billing method for ISP providers. Although Durrett does not teach how its virtual disk subscribers are charged. It is an obvious option to one of the ordinary skill in the art to implement such a billing method. That is, by generating charging information on the basis of the action performed because it offers incentive to infrequent users to take this billing option.

9. As to claims 6-7, Durrett teaches that the system further comprising:

means responsive to said processing adapted to allow access of the application software to an object and/or stored information in the remote data repository; and means responsive to said processing adapted to send an object and/or extracted information in the remote data repository to the server in order to enable provision of the service requested [Abstract; col. 1, lines 40-65; col.5, lines 45-51].

Durrett is silent about means to subscribe to a service by sending a request to a server and means to process said request on said server.

However, sending a request to subscribe a service and processing the request on a server is a typical subscription procedure in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement such as subscription step because this is a typical way of building a subscription relationship (e.g., by establishing an access key for the subscriber) between the subscriber and the service provider [col.2, lines 50- 59].

10. As to claim 8, Durrett further teaches that the service requested is identified in the request [col.2, lines 44-49].

11. As to claim 9, Durrett further teaches that an object and/or extracted information is identified in the request, the object and/or extracted information defining the action to be performed by the server [Abstract; note that in the download service, a user needs to identify the requested object to be downloaded via the server].

12. As to claim 12, Durrett further teaches that said means for extracting data from said personal content include at least means to perform i) optical character/text recognition or ii) pattern recognition [note that the key matching process is a pattern recognition process based on the scanned fingerprint [col.5 lines 45-51 and col. 2, lines 50-54].

13. As to claims 13-21 and 24, since the features of these claims can also be found in claims 1-9 and 12, they are rejected for the same reasons set forth in the rejection of claims 1-9 and 12 above.

14. Claims 10-11 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Applicant's arguments filed on 6/28/2007 for claims 1-24 have been fully considered but they are not deemed to be persuasive.

16. Applicant argues in the remarks that: the Durrett reference together with examiner's reliance on inherency and official notice do not render claims 1-9, 12-21 and 24 obvious because "[t]he functionality of a mobile terminal has only recently progressed to include memory and application storage sufficient to execute the



above features, including accessing the Internet.” For example, “[t]here is nothing in Durrett that teaches that the fingerprint ID is stored anywhere in the portal device, but merely scanned and sent.”

First, Applicant is reminded that the Durrett reference and several of inherent features, together with an official notice, read on the aforementioned claims because of the fact the claim languages allow broad interpretation. The examiner recognizes that there are differences between Applicant’s teaching and that of Durrett. However, such differences were not found in the claims. For example, by simply looking at how a fingerprint scanner takes biometric data and sends the data to a remote for comparison, Durrett’s portal device includes all the limitations of claim 1 except the wireless feature. This is because a scanner must have some sort of memory to store temporary data. That is, a buffer constituting as small as a single register is a form of “storage means”.

Second, although Applicant did not explicitly challenge the Official Notice in the rejection of claim 1, a reference of Bromba [US Pat. 6466781] is given here as an evidential support, wherein Bromba teaches the use of a wireless device that is equipped with a fingerprint scanner for authentication.

For at least the above reasons, it is submitted that Durrett’s portal device and its inherent functionalities, together with the newly supplied evidence, renders the above mentioned claims obvious.

17. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

**Examiner note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

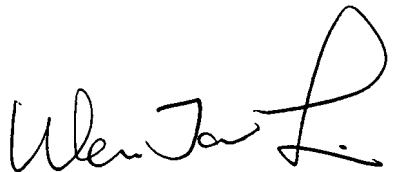
(571) 273-8300 for official communications; and

(571) 273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

August 13, 2007



8/13/07